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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,964	02/13/2002	Duncan Kerr	APL1P215/P2698	9251
22434	7590	01/28/2008		
BEYER WEAVER LLP			EXAMINER	
P.O. BOX 70250			TON, ANABEL	
OAKLAND, CA 94612-0250			ART UNIT	PAPER NUMBER
			2875	
			MAIL DATE	DELIVERY MODE
			01/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/075,964		KERR, DUNCAN	
	Examiner		Art Unit	
	Anabel M. Ton		2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-11, 16-19, 23-28, 30 and 78-105 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-11, 16-19, 23-28, 30 and 78-105 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: <u>8/27/07</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4-11, 16-19, 23-30, 78-98 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 78 and 85 recite a flexible light pipe for redirecting **substantially all** of the light from the enclosed light source regardless of where the light source is positioned within the housing” and “a light guide for redirecting the light from the enclosed light source regardless of where the light source is positioned within the housing, the guide being configured to transmit *substantially all* of the light from the light source through an exit opening of the light guide”. There is no antecedent basis in the specification for these limitations. Furthermore, the specification does not present an explanation as to how the light guide is transmitting *substantially all* of the light from the light source through an exit opening in the light guide, in particular since the positioning of the light source with respect to the light guide, as claimed, is insignificant. For the light pipe/light guide to transmit "substantially all" of the light from the light source through an exit opening in the light guide/pipe without considerable light loss, the light source would necessarily be placed as close to the light guide as possible and/or have a reflective device behind or enclosing the light source and proximal end of the light guide in order for there not to be considerable light loss from transmitting light from the proximal end of the light

pipe/guide to the distal end. In other words, as claimed, applicant is defining the light source as capable of being placed anywhere in the housing, but has not defined the light source's relationship, while being placed anywhere in the housing, with the inner edge of the light pipe. As claimed such a relationship is not necessarily inherent. Claims 4-11, 16-19, 23-30, 79-84, 86-98 are necessarily rejected because of their dependency. Furthermore, applicant has failed to positively recite a functional relationship between the housing and the flexible light pipe and the shaped object since it appears, as per the specification, that the shaped object is transparent or translucent, thus allowing light passage there through, the shaped object is positioned in area of the housing that may facilitate light transmitted through for the illuminated object to be seen through the housing. Furthermore, the relationship between the light pipe or light guide and the object, as described by the specification, is vague. It appears the function of the light guide and light pipe of the instant invention are to transmit light through the housing, not specifically "positioned within the housing so as to illuminate an inner surface of the shaped object".

Allowable Subject Matter

3. Claims 78 and 85 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action. In particular, the prior art cited of record does not teach an illuminated housing with a controllable light emitting device, the light emitting device illuminating and object by means of a light guide/pipe through an transparent/translucent area of the housing in order to facilitate a pattern viewable on the outer surface of the housing.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



AMT

Anabel M Ton
Examiner
Art Unit 2875